

AMENDED IN SENATE FEBRUARY 28, 2005

AMENDED IN SENATE FEBRUARY 9, 2005

CALIFORNIA LEGISLATURE—2005–06 FIRST EXTRAORDINARY SESSION

## **Senate Constitutional Amendment**

**No. 1**

**Introduced by Senator ~~George Runner~~ Runner**

*(Coauthor: Assembly Member Benoit)*

January 13, 2005

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Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 6.1 to Article IX thereof, relating to educational employment.

### LEGISLATIVE COUNSEL'S DIGEST

SCA 1, as amended, ~~George Runner~~ Runner. School districts: employment decisions.

The California Constitution requires the Legislature to provide for a system of common schools.

The Education Employment Relations Act governs employer-employee relations within the public school system, and requires a school district governing board and the exclusive bargaining representative of school district employees to meet and negotiate regarding various aspects of public school employment.

Existing statutes also require evaluation and assessment of each certificated employee on a continuing basis.

This measure would require that any employment decision, as defined, by a school district, including a county office of education or charter school, be based solely on employee performance, as assessed annually, and on the needs of the school district and its pupils, and would provide that employee seniority may not be considered in

making an employment decision, as defined. As to administrators and teachers, the measure would require that performance be assessed based upon an appropriate combination, as determined by the governing board of the school district, of individual annual performance evaluations and improvements in pupil academic achievement as measured by state-adopted standardized tests.

The measure would also provide that an employee hired by a school district on or after the effective date of this measure may be granted tenure or permanent employment status only if his or her 10 most recent annual performance assessments by a school district have been satisfactory or better.

The measure would specify that its provisions supersede the provisions of any collective bargaining agreement entered into, or renewed or extended, on or after the effective date of the measure.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1     *Resolved by the Senate, the Assembly concurring,* That the  
2     Legislature of the State of California at its 2005-06 First  
3     Extraordinary Session commencing on the sixth day of January  
4     2005, two-thirds of the membership of each house concurring,  
5     hereby proposes to the people of the State of California; that the  
6     Constitution of the State be amended as follows:  
7     That Section 6.1 is added to Article IX thereof, to read:  
8     SEC. 6.1. (a) Notwithstanding any other provision of this  
9     Constitution, any employment decision by a school district shall  
10    be based solely on employee performance, as assessed annually,  
11    and on the needs of the school district and its pupils, as  
12    determined by the governing board of the school district, and  
13    employee seniority shall not be considered in making an  
14    employment decision. As to school administrators and teachers,  
15    employee performance shall be assessed based upon an  
16    appropriate combination, as determined by the governing board  
17    of the school district, of individual annual performance  
18    evaluations and improvements in pupil academic achievement as  
19    measured by state-adopted standardized tests. The system used to  
20    assess the performance of employees, including the specific  
21    criteria and the relative weight given to each criterion, shall be  
22    discussed and adopted at a public meeting of the governing board  
23    of the school district. The school district shall post on its Web

1 site a description of the system used to evaluate performance, and  
2 shall submit that information to the State Board of Education for  
3 posting on the Web site of the board.

4 (b) Notwithstanding any other provision of this Constitution,  
5 an employee hired by a school district on or after the effective  
6 date of this section may be granted tenure or other permanent  
7 employment status only if his or her 10 most recent annual  
8 performance assessments by a school district have been  
9 satisfactory or better, as determined by the criteria used to  
10 determine employee performance pursuant to subdivision (a).

11 (c) This section supersedes the conflicting provisions of any  
12 collective bargaining agreement that is entered into, or renewed  
13 or extended, on or after the effective date of this section.

14 (d) The following definitions govern the interpretation of this  
15 section:

16 (1) "Employment decision" means hiring, promoting,  
17 demoting, or terminating an employee, fixing or increasing the  
18 compensation of an employee, or transferring or assigning an  
19 employee within the district.

20 (2) "Governing board of the school district" means the entity  
21 that makes employment decisions for the school district.

22 (3) "Annual performance assessments" means the  
23 assessments, conducted annually, pursuant to the system used to  
24 assess performance adopted by the governing board of the school  
25 district pursuant to subdivision (a).

26 (4) "School district" means a unified school district,  
27 elementary school district, high school district, county office of  
28 education, or charter school.

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31 **CORRECTIONS:**

32 **Text Page 2.**  
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